

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT STATE OF OKLAHOMA

(1)	APRIL LAYTON, as personal)	
	representative of the Estate of)	
	Charles Holdstock, deceased,)	
(2)	APRIL LAYTON, individually,)	
(3)	VALERIE WINFREY, individually, and)	
(4)	MELANIE HUFNAGAL, individually)	
)	
	Plaintiffs,)	
)	
vs.)	NO. CIV -2009 -1208C
)	
(1)	CORRECTIONAL HEALTHCARE)	
	MANAGEMENT OF OKLAHOMA,)	
	INC., a corporation,)	
(2)	THE BOARD OF COUNTY)	
	COMMISSIONERS OF OKLAHOMA)	
	COUNTY, a Political Subdivision of)	
	the State of Oklahoma, and)	
(3)	JOHN WHETSEL, individually and in)	
	his capacity as Sheriff of Oklahoma)	
	County.)	
)	
	Defendants.)	

PLAINTIFFS' PROPOSED VOIR DIRE

COMES NOW the Plaintiffs and respectfully requests that the prospective jurors be asked the following questions to determine their qualifications to serve as jurors in this cause:

KNOWLEDGE OF CASE

1. Have you ever heard of this lawsuit before today?

2. If so, when did you first hear of this lawsuit?
3. If so, how did you become aware of this pending action?
4. If so, as a result of your prior knowledge of this lawsuit, have you formed
any opinions about who should win or lose?
5. If so, would either party have to present any evidence before you would
change the present opinions that you have about this case?
6. If so, despite your past knowledge of this lawsuit, can you set aside what you
have heard before today and consider this case solely upon the believable and credible
evidence introduced during the trial and the applicable law as I instruct you?

LAWYERS

7. Do you know any of the lawyers involved in this case?
8. If so, what is your relationship with the lawyer that you know?
9. If so, would you be inclined to favor or disfavor the client of the lawyer
that you know?
10. If so, would your knowledge of the lawyer in any way affect your ability to

be a fair and impartial juror?

WITNESSES

11. Some of the following witnesses may be called to testify at trial: (Witnesses
From Pretrial Order)

12. Do you know any of these people? What is your relationship with the
witness(es) that you know?

13. Would you be inclined to give greater or lesser weight to testimony of a
witness that you know?

14. If so, would your knowledge of a witness in any way affect your ability to
be a fair and impartial juror?

PARTIES

15. Do you know the Plaintiffs, April Holdstock, Valerie Winfrey, Melanie
Hufnagel, or the deceased, Charles Holdstock.

16. If so, how did you become acquainted with any of the above;

17. If so, when did you first have knowledge of Mr. Holdstock?

18. If so, is there anything about your knowledge of Mr. Holdstock that would

cause you to be biased either for or against him?

19. Do you know anyone presently or formerly employed by the defendant, Oklahoma County Sheriff Dept., Correctional Health Care Management of Oklahoma and the Oklahoma County Board of County Commissioners?

20. Do you know Sheriff John Whetsel?

21. If so, how did you become acquainted with any of them?

22. If so, when did you first have knowledge of them?

23. If so, is there anything about your knowledge of these people or your relationship with these people that would cause you to be biased either for or against Oklahoma County Sheriff Department, Oklahoma County Board of County Commissioners and Correctional Healthcare Management of Oklahoma.

24. Have you or has anyone in your immediate family or a close personal friends ever been employed by the Oklahoma County Sheriff Department, Oklahoma County Board of County Commissioners and Correctional Healthcare Management of Oklahoma.

25. If so, in what capacity were you or that person employed?

26. If so, is there anything about your or that person's employment with the

would cause you to be biased either for or against the Oklahoma County Sheriff Department, Oklahoma County Board of County Commissioners and/or Correctional Healthcare Management of Oklahoma.

DAMAGES

27. Could you return verdict against the Oklahoma County Sheriff Department, Oklahoma County Board of County Commissioners and/or Correctional Healthcare Management of Oklahoma.

28. Would you have any hesitancy to award a money verdict against Oklahoma County Sheriff Department or Oklahoma County Board of County Commissioners.

29. Would you have any reluctance to award a money verdict in an amount that will adequately compensate plaintiffs' damages, if the evidence and the applicable law support a verdict in his favor?

BURDEN OF PROOF

30. Do you understand that this is a civil case and that the burden of proof required to prove the case is different than in a criminal case?

31. In a civil case such as this case, the party with the burden of proof must

prove his or its claims only by the greater weight of evidence, or evidence that is more probably true than not true. In a criminal case, the burden of proof is beyond a reasonable doubt. Is anyone troubled by the fact that a civil case requires a lesser burden of proof than a criminal case does?

PRIOR JURY SERVICE

32. Have you ever served on a jury before?
33. If so, was it a civil or criminal case?
34. If it was a civil case, what was the nature of it?
35. If so, were you able to reach a verdict in each case in which you served as a juror? If so, what was that verdict?
36. If so, have you ever been selected as the foreperson of a jury?
37. Is there anything about your prior jury service that would cause you to be biased for or against any of the parties to this lawsuit?
38. If selected as a juror in this case, will you set aside the facts and applicable law that pertained to the other cases on which you served as a juror and try this case solely on the believable and credible evidence and the applicable law as I instruct you?

OTHER LAWSUITS

39. Have you or your family ever filed a lawsuit. What kind of lawsuit was it and what was the result?

40. 40. Were you satisfied with the outcome?

41. If so, was there anything about what happened in your lawsuit that would affect your ability to be fair in this case?

42. Have you or anyone in your immediate family ever been sued in a civil action other than for divorce?

43. If so, what kind of lawsuit was it?

44. If so, was there anything about what happened in your lawsuit that would affect your ability to be fair in this case?

45. Do you believe that a person should be allowed to file a lawsuit and have a jury of his peers sit in judgment as the triers of fact?

46. Do you have any personal moral or religious objections against filing lawsuits?

EMPLOYMENT HISTORY

47. Are you employed?

- 48. How long have you been employed?
- 49. Who is your employer?
- 50. What type of work do you perform?
- 51. If you are married, is your spouse employed?
- 52. If so, by whom?
- 53. What type of work does your spouse perform?

MISCELLANEOUS QUESTIONS

- 54. Do you live in Oklahoma City, Oklahoma? If so, for how long?
- 55. Have you ever lived in Oklahoma City, Oklahoma? If so, what were the applicable dates?
- 56. Would you desire for a juror with your present frame of mind to serve as a juror if you were a party to this lawsuit?
- 57. Is there anything about the nature of this lawsuit that causes you to believe that you could not be fair and impartial to all parties?
- 58. Would you follow and apply the law as I instruct you even if you personally disagree with the law?
- 59. Do you know of any reason why you could not be a fair and impartial juror to all sides in this case?

60. Do you believe people are innocent until proven guilty by a Jury of their peers?
61. Do you agree with the United States Constitution that Charles Holdstock is presumed innocent?
62. Do you agree with the United States Constitution that proper medical care must be provided to persons detained in jail?
63. Can you disregard the unresolved issue of Holdstock's guilt or innocence of the charges and only focus on whether his Constitutional Rights to proper medical care was denied.
64. Would you hesitate about awarding money against the Sheriff Dept?
65. Would you hesitate about awarding money against the County?
66. Would you hesitate about awarding money against Sheriff Whetsel?
67. Anyone aware of the Department of Justice investigation into the Oklahoma County Jail?
68. Has anyone supported or campaigned for Sheriff Whetsel?
69. Does anyone have personal knowledge of Sheriff John Whetsel?
70. Will the prohibition about no outside or internet research into the parties, case and circumstances surrounding the issues cause anyone problems?
71. Do you or your family work in the healthcare industry?
72. Do you have any special knowledge of the Oklahoma County Jail?

- 73. Do you have any special knowledge of pacemakers, heart conditions, renal failure, digoxin?
- 74. Do you have any chronic health issues that you require ongoing medical maintenance.
- 75. Do you have a family doctor?
- 76. Have you seen a doctor in the last year?
- 77. Do you regularly attend church or church functions?

ASSOCIATIONS, CONTACTS, IDEAS ABOUT POLICE OFFICERS

78. Have you or anyone close to you ever been employed in any capacity by the Correctional Healthcare Management, Sheriff Department or Police Department or Jail or any police department or law enforcement agency?

- 79. Is that someone yourself?
- 80. If someone else, what is their relationship to you?
- 81. What position did you/he/she hold?
- 82. For how long?

ACTIVITIES

83. What civic, social, religious, professional or trade clubs or organizations do you now belong?

84. Please list any office or title you currently hold, or have held in the past, in these or other organizations.

Organizations;

Office Held

Dates:

85. Do you watch movies in theaters? If so, how often? Identify the titles of the last six movies you have seen.

86. Do you read in your spare time? If yes, list the book(s) you are now reading or have read in the last year.

87. What newspapers do you read regularly, including both local and out-of-Town newspapers?

88. How often do you read a newspaper?

Every day

Several times a week

Once or twice a week

Less often than once a week

Never

89. What magazine(s) do you read regularly?

90. Do you watch television? If yes, which programs do you tend to watch on a regular basis?

91. Which radio station(s) do you generally listen to?

92. How often do you listen to the news on radio or television?

Every day

Several times a week

Once or twice a week

Less often than once a week

Never

93. What is the most important news source for you?

Newspapers

TV

Radio

Magazines

94. Which of the following news outlets would you be most likely to watch or obtain information on important news via the internet?

a. ABC News;

b. NBC News;

c. CBS News;

d. FOX News.

LEGAL SYSTEM

95. Have you or has any close friend or relative had any legal training (including law courses, paralegal program, or on-the-job training)? If yes, please explain.

96. Do you know any lawyers, judges or court personnel? If yes, list their names and describe their relationship to you.

97. Have you ever had an unfavorable experience with a lawyer or judge (for example, contracted for services not satisfactorily rendered, felt that justice was not served, etc.)? If yes, please explain.

Medical Knowledge

ENFORCEMENT

98. Have you or has any close friend or relative had any law enforcement training? If yes, please explain.

99. Are you acquainted with or are you personal friends with any police officer or other law enforcement officer? If yes, list his/her name(s) and describe his/her relationship to you.

CONCLUDING QUESTIONS

100. Is there any matter you would prefer to discuss privately with the judge? If so, please explain?

101. Do you have any specific problems at home or at work that might interfere with your ability to concentrate on the case during trial? If yes, please explain.

102. Do you have any medical condition that would make it difficult for you to serve as a juror? If yes, please explain.

104. What is the condition of your hearing?

105. What is the condition of your eyesight?

106. Are you willing, as a juror, to remain as long as necessary to reach a verdict in the case, even if the proceeding lasts longer than the estimate given by the Court?

107. Do you have any specific problems dealing with stress or pressure? If yes, Please explain.

108. Is there any particular reason that you would like to be a juror on this case or would not like to be a juror on this case? Please explain.

Respectfully submitted,

/s/ E. W. Keller

E. W. Keller, (OBA# 4918)

KELLER, KELLER & DALTON

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2013, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Ms. Sandi Elliott

dasanell@oklahomacounty.org

Ms. Lisa Endres

dalisend@oklahomacounty.org

/s/ E. W. Keller

